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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 06 0326 SI
14 Plaintiff,) ORDER AND STIPULATION FOR
15 v.) CONTINUANCE FROM SEPTEMBER 22,
16 CLIFFORD DURHAM,) 2006 THROUGH OCTOBER 6, 2006 AND
17 Defendant.) EXCLUDING TIME FROM THE SPEEDY
TRIAL ACT CALCULATION (18 U.S.C. §
3161(h)(8)(A))
18 _____

19 With the agreement of the parties, and with the consent of the defendant, the Court enters
20 this order scheduling a status hearing on October 6, 2006 at 11:00 A.M. and documenting the
21 exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 22, 2006
22 through October 6, 2006. The parties agree, and the Court finds and holds, as follows:

23 1. The parties appeared before the Court for in this matter on September 22, 2006 for a
24 status hearing. The parties indicated that they have initiated discussions regarding a potential
25 resolution of the matter that would avoid the need for trial, and that new information has come to
26 light since the last hearing that may impact these discussions.

27 2. Accordingly, the matter was set for October 6, 2006 at 11:00 a.m. for further status
and scheduling.

28 3. The parties requested an exclusion of time under the Speedy Trial Act for the period

1 from September 22, 2006 through October 6, 2006. The defendant agrees to an exclusion of time
2 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary
3 for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
4 3161(h)(8)(B)(iv).

5 4. After consideration of this matter, the Court finds that, taking into account the public
6 interest in the prompt disposition of criminal cases, the ends of justice served by excluding the
7 period from September 22, 2006 through October 6, 2006 outweigh the best interest of the public
8 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

9 5. Accordingly, and with the consent of the defendant, the Court (1) sets a status hearing
10 on October 6, 2006, at 11:00 A.M., and (2) orders that the period from September 22, 2006
11 through October 6, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. §
12 3161(h)(8)(A), (h)(8)(B)(iv).

13 IT IS SO STIPULATED:

14 DATED: 10/6/06 /s/
15 RON TYLER
Assistant Federal Public Defender

16 DATED: 9/26/06 /s/
17 MICHELLE MORGAN-KELLY
Assistant United States Attorney

18 IT IS SO ORDERED.
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20 DATED: _____
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THE HONORABLE SUSAN ILLSTON
United States District Court Judge